

43
COLLECTIONS

OUT OF THE

Late Lord Chief Justice

HALE'S

Pomponius Atticus

[taken from Cicero]

In Reference to

FACTIONS

That arise in a

STATE or KINGDOM;

And the Mischievous Consequences thereof

L O N D O N,

Printed in the Year MDCLXXXIX.

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Pomponius Atticus, &c.

AS States and Kingdoms (saith that worthy Author) have certain Periods of their Duration and Consistency appointed them in the Divine Providence, and sometimes end in a final Decision; so there are some Things in the very Constitution of some Governments, that are occasions of Factions necessarily arising in them: As in Rome, when the Government was partly Aristocratical, and partly Popular, and with some shadow of Monarchical Power in the Consuls. And if that Government had been Aristocratical by a Senate of Three hundred Persons, Reason and Experience shews that Factions are apt to arise in such a Council, but much more when the Common People were Sharers also in the Government, &c. and in Truth the said Roman Government gave too much Head, and too much Power to Ambitious and Intemperate Spirits.

Thus *Marius* arose, a Citizen of Rome, to be too Great, who being a high Spirited and Factionous Man, who had been Six times chosen Consul, and once he made himself so; and *Sylla* after him was such another, and the like might be instanced in *Pompey*, *Cesar*, *Antony*, *Brutus*, *Octavius*, &c. that they grew too Big for the Common wealth, and the Senate and People bore only the Name, but were but Cyphers; for they exercised as great and greater Monarchical and Tyrannical Power, than ever did *Octavius*, when he came to be *Augustus*.

The Roman State in its first Institution seem'd to be principally Monarchical, yet ended in a Senate first of a Hundred, afterwards of Three hundred Persons, called *Patres* or *Patricii*. And after the Expulsion of their Kings they fell into a Commonwealth consisting of their Senate, and Two Consuls yearly Elected, who had a Power in some Things Regal; afterwards their growing Contests, between the Consuls and the *Patricii* of the one part, and the rest of the People of the other part, the Constitution of their Commonwealth was much altered by the Admission of a Popular Power of the Tribunes Elected by the People. Thus this mix'd Republick grew Great and Powerful, and continued many Years in great Strength and Power, though there arose sometimes Jars and Contests between them, &c. But there arose at last the said *Marius*, a Rough, Fiery, and Bold Person, a Man of Wit and Courage, a Good Souldier, a Successful, Ambitious Man, that could not endure any Opponent or Rival; who began that Fire in the Commonwealth of *Rome*, that scarce ever left Burning, till the Commonwealth was at last necessarily resolved into the Monarchy of *Augustus*.

In all which Civil Wars and Disorders, all those Rapines and Violences, those Murders and Banishments, that in the space of about Fifty Years after the Sixth Consulate of *Marius*, filled the City and Empire of *Rome*, were the Success of that Faction that he began, and of that Breach that he first made in the Texture and Contignation of the goodly Structure of the Commonwealth of *Rome*. And indeed all the Troubles and Changes, that happed afterwards between *Cesar* and *Pompey*, between *Brutus* and *Anthony*, between *Anthony* and *Augustus*, did spring from those Parties and Factions, whose Foundations were laid in *Marius* and *Sylla*.

And it is truly noted by the Florentine Politician, That the Romans, when Victors over their Neighbouring Nations, never used any Mediocrity; but either used so great Beneficence towards the Conquered, that they thereby obliged them from a future Revolt, or else dealt so severely with them, that they utterly disabled them from it, &c. But in their Civil Wars, as they never used Mediocrity, so they never used the former extream, but always the latter, omitting no Severity that might render the subdued Party incapable of ever making Head again; and this they evidenced by their bloody Slaughters, Confiscations and Proscriptions, not only as to Opposites, and upon such as they suspected were not real Friends; but if any were Neutral his Wealth became his Crime, and rendred him Obnoxious to Confiscation or Banishment.

Now

Now to acquaint us what a Faction in a State is; The said worthy Author thus Discourseth. By a Faction in a Common-wealth I do not mean that Government, which is by Law or Custom settled; and therefore, where the settled Government is Monarchical, I do not take the Adhearing to the King a Faction, or where the Government is Aristocratical or by a Senate, as was sometime in *Rome*, or mix'd, partly Aristocratical, and partly Popular, &c. that Establish'd Government, or the Adherence to it was no Faction; but it is so far from it, that the Adherence to the Government Legally Establish'd, is the Duty of every Subject and Citizen.

But this I call a Faction; When a party of Men shall Conspire, and Unite themselves against the Establish'd Government to subvert or alter it; and this is the greatest Faction, *Crimen læsæ Majestatis*.

Secondly, When a party of Men shall Unite and Confederat themselves together to gain either Something to themselves, or to others by Force or Fraud, against the Will and Consent of that Power, that by Law is intrusted with the Concession or Denial thereof.

Thirdly, When any Person intrusted by the Sovereign Power, with a Particular Power or Authority shall endeavour by Force or Fraud to extend that Power, wherewith he is intrusted, beyond the bounds of it: As if the Tribunes of the People in the State of *Rome* should, by stirring up the People, or by Force or by Secret Confederacy inroach upon the Power of the Senate, &c. And therefore in such an enterprize they are no more Excused from being a Faction by their Authority, than if they were without any such Authority; for herein they Act as Private Persons.

Fourthly, When Two or more Great and Eminent Persons or Parties, and it may be of a considerable Interest in a State or Government, engage one against another; at first it may be privately, and then after more openly and visibly crossing each other, and at last to Affronts and Rencounters, and all this while the True real Government sit still and look on, either out of Fear or in Policy; and many times look on contenting themselves with the Complement and Profession of Subjection, till at last one Party get the better, and at last pull off the Disguise and gives Laws to his Lawful Governors.

Fifthly, When some particular Persons, that are or are not in any Authority, in a State or Common-wealth, design some Matter either for themselves or against any other; and to effect that Design, do by Secret Means or Power, or Fraud, or otherwise, draw over the Power of that State, wherein they live, to be their Engins and Instruments under the Countenance and Sig-

nature of their Authority to effect their Design. For though
 ✧ the Authority of the State is engaged therein, yet that being
 obtained by Force, Fraud or other Engine, and to serve the
 particular Interest and End of a Party, and not acting according
 to the True and Native Freedom and Integrity of their Insti-
 tution, excuseth not this from being really a Faction, though
 sometimes it be speciously Guilded over with the Counte-
 nance of Publick Authority. And for the most part the Factions
 of *Rome*, before mentioned, were of this latter Sort or Kind,
 and managed under the shadow and umbrage of the Civil Au-
 thority, though in their Original they arose from the Pride and
 Ambition, Envy and Emulations, Jealousies, Designs, Disgusts
 and Animosities, of particular Persons, who could not brook
 any whom they suspected might be Rivals of their Greatness,
 Honour, or Power; and these prevailing, bore down the Ma-
 gistracy of *Rome* before them.

Now though it may be true, That those Decrees of the Au-
 ✧ thority Establish'd by Law, though by these means obtained,
 are binding while they stand in Force, yet the manner of ob-
 taining such Decrees by these, and the like means, are Unjust
 and Factionous; and in true Intrinsick Justice, do not Excuse or
 Justify the Obtainers thereof from Oppression and Injustice, &c.

And as these several Factions were extremely Cruel and Se-
 vere unto one another (as is before mentioned) so they were
 all infinitely pernicious to the Common-wealth; which by the
 Competitions of these Turbulent Spirits was torn in pieces. For
 ✧ these Factions were, in Truth, no other than certain Excre-
 scences, Tumors and Diseases, arising in the Roman State, by
 the Power, Ambition and Unquiet Spirits, of certain busy Men
 in *Rome*, that either thought their Worth neglected, or not suf-
 ficiently rewarded, or were provoked to Animosities by mu-
 tual Jealousies and Emulations one of another. And although
 it is true in the several Vicissitudes, and the prevalency of
 any Faction, they did so handle the Senate and People, by
 Artifices and Tricks, Threats and Affrights, that they min-
 ted their Factions oftentimes with the Stamp and Face of the
 ✧ Senate and Publick Authority, yet the Truth was, They were
 really still no other than Factions and Parties, which like Pre-
 valent and Noxious Humors, or Putrid Distempers in the
 Body, over-powered the true State and Genius of the Civil Go-
 vernment, and rendred the whole Body in Disorder; and it
 could no more be esteemed the true Complection of the Roman
 Government, than a Fever or a Calenture, though it over-
 spread the whole Man. And although the Paroxysms or Fits
 of the Roman State, which it was put into hereby, were various
 and contrary each to other, according as one or the other pre-
 vailed,

vailed, like the hot Fit and cold Fit of an Ague, yet still the Common-wealth of *Rome* was Sick, and laboured under the Disorder of either Faction whichsoever of them prevailed.

I do confess (saith my Author) that commonly all Factions, to gain to themselves Credit, at least make some pretence for the good of their Country, something that they would pretend to reform; and it may be really, there was something in the State of *Rome* that was necessary to be reformed, and the Disorder might be so Powerful, Stubborn and Obstinate, that they thought it could not be done by ordinary means; and that at the first attempt might be the Thing that they, or at least many of them, really, and it may be only, or at least principally, aimed to set right. But Wise Men see, That many times Reformation was pretended, but the great Design was private Interest or Revenge; or if some Men in the simplicity of their Hearts meant well to the State of *Rome*, that were engaged in those Factions; yet when once a Faction is set on foot, Men that have other Designs, either of Ambition or Covetousness, mingle in it, and commonly in a little time become prevalent, and distort all to their private Ends and Advantages, and engage others in the like, who are sed, or do feed themselves with the like hopes. They well know that in a very little process of time variety of Success, and Occurrences, and New Emergencies and Counsels, carry Factions quite beyond their first Designs, into greater Rapine, Fury, and Cruelty, and Revenge, then ever they themselves (it may be at first) thought they should have been guilty of.

And as my Author goes on, In the first motion of Enterprizes of this nature (as he touch'd upon before) the Pretences are commonly Fair, Modest; nothing pretended but Reformation of Abuses, and great Moderation professed; and this to cover partly their Designs, partly to gain to themselves Credit and good Esteem with good Men, or at least with the Vulgar.

Therefore this Wise Man *Pomponius Atticus*, (as saith my Author) would never be drawn into any of those Factions in the State of *Rome*; for he knew well, that if he were once engaged, he must follow not only the Fortune, but also the Commands and Counsels of the Party and their Governors, and so be engaged in all the Villanies and Injustice that attended their Success; and (the motions of a Powerful prevailing Successful Faction, being ordinarily very Ungovernable) he knew besides, that very often a Faction grows utterly unlike to what it was at first; so that if he could have perswaded himself to have engaged in any Faction, he must have resolved to have kept those plausible Principles, which first led him to that Engagement, and then he had been quite out-run by his own Party,

or

or else he must have resolved to hold pace with his Party in all their Changes and Practices, and then he must out-run his Innocence, his constant Integrity himself.

Thus not only in Prudence, but from the very Habit, Complection and Constitution of his Mind was this Wise Man, *Pomponius Atticus*, admirably secured against all Temptations to Factions: For (as my Author observes) there is in most Men a certain Intemperance of Passions, that render them very obnoxious to fall into Factions; but among them there are Three sorts of Passions, or rather indeed Putrifactions of Passions, and Diseases of the Soul, namely, Ambition, or the Desire of Honour, Power, Place, or Preferment; next, Covetousnes, or the Desire of Riches; or Vindictivenes, or the Desire of Revenge; and of which the crafty Heads of Factions make great use, that where they find a Man that is under the Regiment of any of these Distempers, 'tis a thousand to one but they win him over; yea the Magick and Enchantment that ariseth from those Intemperances of the Mind, that without any Solicitation from without, they carry Men headlong that way they think shortest to satisfy themselves; and therefore are easily caught and entangled in a Faction, as that which promiseth the most compendious Method for the Attainment of their Desires. But the Complection or Constitution of the very Soul of *Atticus* (saith my Author) was such, that those Distempers of Ambition, Covetousness or Revenge, dwelt not there: And by this means he was Proof against Temptations from within or from without, to side with a Faction; which he avoided as a Pest or a Plague Sore, wherein he was sure, if he were once engaged, he should loose either his Safety or his Innocence, or both. And as he was so happy as never to have received any such Injury as might provoke Revenge, so he had such a Calm, Serene, Even frame of Mind, that that Passion could get no hold upon him; and he had abundantly well learned the best Lesson of the Stoical Philosophers, Not to injure himself by Passion or Perturbation, because another did him Wrong.

Besides (saith my Author) *Atticus* did it upon an Account of greatest Prudence; For it was evident to him, by great Experience, and by a wise Prospect of Things, That these Factions and their Successes were strangely mutable and uncertain: *Tanta varietas in temporibus fuit fortunæ, ut modo hi, modo illi in summo essent fastigio, aut periculo; (i. e.)* Though Successes of Factions were so uncertain, and the Vicissitude so strange and various, that those that now prevailed, and seemed in an impregnable Condition, were suddenly tumbled down: And again those that seemed in an irrevocable and desperate Ruin, regained the Government even to a Miracle; therefore by engaging in any Faction,

Faction, he was sure to undergo the common Fate which that Faction had, which was either wholly to be ruined, if the adverse Party prevailed, or at best in case the Party wherein he should be engaged prevailed; yet they were but in a tottering, uncertain, unquiet, restless Condition, and were not like to hold that Power or Interest which they had so difficultly gotten.

Secondly, He did it (saith my Author) on the account of common Justice and Honesty, For these Factions in the State of *Rome* were not the True, Lawful, Settled Government thereof, for therein *Atticus* and all good Men ought to have been engaged, for it had been their Duty and Glory to have assisted it; and a certain Baseness and Pusillanimity of Mind to have deserted it: But those Factions were certain Excesses, Tumors and Diseases (as is mentioned before) arising to the Roman State, by the Power, Ambition and Unquiet Spirits of certain busy Men.

And as a Third Expedient he used for his safety it was this; That although he was always ready to oblige all Men by all Offices and Kindnesses, Yet he never would receive over-great Kindnesses from great Persons, as also avoyding publick Offices, *Atticus* was so far from seeking that, (saith my Author) that he would not take them when offered; this being his Principle, that he would do all the good Offices he could, either for particular Persons, or for the Common-wealth in the state and capacity of a private Person. And it seems a Wonder to me (saith the Author of this Discourse) to see the Folly and Vanity of Men so fondly to hunt after publick Offices, and that they should be so much mistaken, and no better to understand themselves, for those even that are more Honourable and more Profitable, yet are more Dangerous and Hazardous. And the Truth is, (saith he) That it hath been the Skill and Art of the Wiser sort of Mankind to annex to such great Employments, those Blandishments of Honour, Esteem and Profit to invite Men to the undertaking them; as Physitians guild their Pills, that they may be the easier swallowed; it is true, these are indeed Necessary for the good of others. But it is most certain, that any Man that Ambitiously hunts after them, nay that Man that doth not Industiously decline them (if possible he may) understands not himself nor his own Peace and Happiness, or Contentment. For, first, he draws necessarily Envy upon himself; and Envy is a busy active Humour, and restless until it unhorses those upon whom it fastens, or break it self in the attempt, whosoever Possesseth that which many Desire, hath as many Enemies and Enviars, as he hath Rivals and Competitors, and as many Competitors as there are Ambitious or Covetous

Men in the World. And as all great Offices have commonly somewhat of Power annexed to them, and although Societies of Men can never subsist in Order without some Power be over them, yet particular Persons commonly hate and envy any Power in any but themselves. Further also, a Man that undertakes a publick Employment yields up, and loses his own Tranquillity, and Rest, and Quiet, that his private Station yields, and even divests himself of himself: And as his Faults and Defects in that Condition are more easily observed and seen, so they are very diligently watched and observed, yea he wants not such Spectators as make it their Business to be diligent Searchers and Observers of them; and then they are sure to be the Objects of most severe Censure and Animadversion. And further the Mistakes of his Mistakes are of a vast and comprehensive Concern, and the ill Consequences irreparable; yea let a Man manage his publick Employments with all the Integrity and Wisdom imaginable, yet the Race is not to the Swift, nor the Battel to the Strong; so that ill Success will attend the best and wisest Endeavours sometimes. Again there is no publick Office in the World, but must necessarily make a considerable part of Mankind his Enemy, for he cannot satisfy and please all; he that is disappointed in his Expectation, or that finds less than he Expected, hates him; and it will not be material to the safety of him that is hated, whether there be Cause or not, for his Enemy's Indignation is as high, as if it were just. And though it may be objected that he makes as many Friends as he doth Enemies, this mends not the matter; for supposed Injuries are longer remembered than real Benefits.

But supposing (saith my Author) that in a calm and sedate Time this wise and good Man might have been perswaded to take an honourable publick Employment, yet considering the Time wherein he lived, his declining of publick Employments was not only Excusable and Justifiable but also very Commendable, and an Abstinence full of Prudence and great Discretion: For he that takes a publick Employment in a troubled State, is (without the intervention of a marvellous Providence) first, and before any other, exposed to the Shock of all publick Commotions; if he oppose the Faction, he is in danger of Ruin for opposing their Designs; if he take their part, he is under an Engagement not only in the hazard of their Fortune, but also in pursuit of all those desperate Enterprises that such a Faction thinks Necessary or Convenient for their Establishment, and then, he will lose his Reputation and his Innocence, and be entangled in a most base Servitude, &c. And if ever there come a turn of Affairs, he shall be sure to be one of the first that is crushed by the prevailing Party, and this Cicero found to be true to his cost.

And

And therefore *Cato Uicensis*, who the greatest part of his Life had been concerned in publick Offices; yet when he found himself over-born by the Cesarian Party, learned (though too late) *Atticus* his Wisdom, and left this Legacy to his Son; That he should never engage himself in the publick Administration of Offices or Employments of the Common-wealth.

Now in further tendency to our Safety in troublesome Times, my Author thus Discourseth. Things (saith he) that create a Man many Enemies, are these that follow. First, When a Man is an Accuser and Informer against any Man, for Matters of Crime or Misdemeanour, which makes the Party and all his Relations his Enemies. Secondly, When a Man is Litigious and Contentious, going to Law for every Trifle. Thirdly, For a Man to be a Publican, or Farmer of Custom, &c. Fourthly, When a Man deals much in Goods or Lands that are Confiscate. Fifthly, That which create Men trouble, especially in a troubled State, is too much Prodigality of Speech; as an over-free inconsiderate Commendation of some Persons of one Party, or too liberal Invectives or Censures of Persons engaged in an other. Sixthly, Pride, and Haughtiness of Deportment also doth Infallibly create a Man more Enemies, than any one Distemper besides, and is commonly the Root of all Contentions and Animosities both in publick and private Persons; therefore *Atticus* always kept an humble Mind, and an humble Deportment. An humble Man in all States and Conditions stands square upon his own Basis, without any great Disorder or Trouble, so that (as my Author tells us) it was a hard thing to tell whether the same Men did more Love, or Fear him. It is (saith he) the common Folly of great Men in Place, Power, or Wealth, to think themselves above the reach of Enemies, especially of the meaner Sort. But this is certain, there is no Man, though never so mean, but once in Seven Years will have an opportunity to do the greatest Man much Good or much Harm. As in the Fable; When the Mouse troubled the sleepy Lion, and hapned to fall under his Paw, he desired the Lion to spare him, he was but a Mouse, and yet might live possibly to do him a Kindness; but however he was not worth his Indignation: The Mouse afterwards served to eat in sunder that Net that entangled the Lion, and so delivered him, that for all his Greatness could not deliver himself.

Now my Author considers and represents to us these Things, which were in this Good Man that were honourable, and had a great tendency to his Safety, *viz.* his Beneficence, the Principle of which was higher and nobler than his own Interest and Safety. For (saith he) it arose from the Nobleness of his Disposition, it was a certain native Generosity and Beneficence to Mankind, and

and this appeared by his extending it towards such who were in greatest Distress, and below the expectation of ever making a Retribution. And as his Beneficence was full of Sincerity and Integrity, so it was full of Equality and Impartiality; and also attended with singular Prudence; and lastly he was very constant to his Friends in all Conditions.

And my Author concludes his Discourse upon this Great, Excellent, Prudent and Good Man, *Pomponius Atticus*, thus. First, That most certainly Vertue, Goodness and Integrity, is the best Policy and the greatest Means of Safety in the most dangerous Times and Places. Secondly, That most certainly Vertue and Goodness, and Integrity, is the truest way for any Man to gain true Honour, Veneration and Esteem among Men; yea it is more conducive to it than Riches and Armies, than Victories and Triumphs. Thirdly, That as it is the truest way to get Honour, so it is the best means to keep it, because such an Honour hath not its Dependence on any thing without a Man; his Fortune, Wealth, Power, or Success, these are changeable and variable; but a Good, Wise and Vertuous Man carries the Root and Spring of his Honour in himself, he shall never cease to be Honoured till he cease to be Good. Fourthly, There is a secret Veneration of Goodness and Vertue in all Men, even in the Worst and Vilest; a Man cannot so far put off Humanity, but that Goodness, Wisdom and Vertue, will have so much of Party and Interest in his Nature, that he cannot choose but pay a secret Approbation and Esteem towards those that have them. Fifthly, That consequently Wisdom, Beneficence, Vertue and Goodness, have a great Connaturality to Human Nature, and are the true genuine Spirit, or genius of it; and that it is so, is evident. First, By the great Good it procures to human Nature, Honour and Safety. Secondly, By the great Esteem Mankind hath of it, and the common Interest it obtains in the common Nature of Mankind.

FINIS.